

# MEMORANDUM

Agenda Item No. 8(M)(2)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

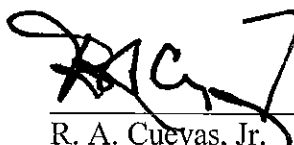
**DATE:** June 30, 2015

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution authorizing the  
release of unneeded canal  
reservation lying within the  
Northeast ¼ of Section 17,  
Township 52 South and Range  
40 East in the City of Hialeah in  
Miami-Dade County as requested  
by Eruditional, LLC; and  
authorizing the Mayor to execute  
disclaimer for release of rights of  
reservation

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The accompanying resolution was prepared by Regulatory and Economic Resources Department  
and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

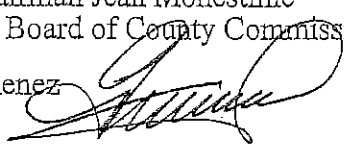
RAC/cp

# Memorandum



**Date:** June 30, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Authorizing the Release of Unneeded Canal Reservation along NW 97 Avenue in the vicinity of Theoretical NW 163 Street in the City of Hialeah, within the Northeast ¼ of Section 17, Township 52 South and Range 40 East in Miami-Dade County

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## Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the execution of a Miami-Dade County disclaimer for the release of unneeded canal reservation along NW 97 Avenue near theoretical NW 163 Street in the City of Hialeah, within Tract 8 of Section 17, Township 52 South and Range 40 East, Miami-Dade County.

## Scope

The site is along NW 97 Avenue in the vicinity of theoretical NW 163 Street in the City of Hialeah in Commission District 12, which is represented by Commissioner Jose "Pepe" Diaz.

## Fiscal Impact/Funding Source

This item does not require the expenditure of any Miami-Dade County funds.

## Track Record / Monitor

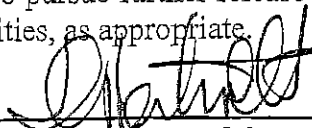
The Water Control Section Manager within the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (RER-DERM), Maria D. Molina, P.E., will be responsible for tasks related to this transaction.

## Background

In 1959, the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, gave to the County a canal reservation in northwestern Miami-Dade County for canal and water management purposes in connection with the Miami-Dade County Water Control Master Plan, over the east 130 feet of Section 17, Township 52 South and Range 40 East, now located along NW 97 Avenue between NW 154 Street and 170 Street. A site diagram is attached.

The property encumbered by the above-stated canal reservation is owned by Eruditional, LLC; and the property owner has requested the release of the canal reservation within the subject property along NW 97 Avenue. No future canal is proposed within the subject property and the future NW 97 Avenue Canal will be located on the east side of the east section line of Section 17, Township 52 South and Range 40 East. In consideration of this, the subject canal reservation within Tract 8 on the west side of the east section line, with total area of 0.985 acres, is not needed for canal and water management purposes. It is therefore recommended that the Board authorize the execution of the subject Miami-Dade County disclaimer for the release of unneeded canal reservation in the City of Hialeah.

Following the release of the 130 foot wide canal reservation by the County, Eruditional, LLC would need to pursue further release from the South Florida Water Management District and/or other agencies or entities, as appropriate.

  
\_\_\_\_\_  
Jack Osterholt, Deputy Mayor




# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 30, 2015

  
**FROM:** R. A. Cuevas, Jr.,  
County Attorney

**SUBJECT:** Agenda Item No. 8(M)(2)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(M)(2)  
6-30-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE RELEASE OF  
UNNEEDED CANAL RESERVATION LYING WITHIN  
THE NORTHEAST ¼ OF SECTION 17, TOWNSHIP 52  
SOUTH AND RANGE 40 EAST IN THE CITY OF  
HIALEAH IN MIAMI-DADE COUNTY AS REQUESTED  
BY ERUDITIONAL, LLC; AND AUTHORIZING THE  
MAYOR TO EXECUTE DISCLAIMER FOR RELEASE OF  
RIGHTS OF RESERVATION

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, Eruditional, LLC, a Florida limited liability company, is the owner of the property in Section 17, Township 52 South and Range 40 East which is encumbered by those rights in reservation given to Miami-Dade County in 1959 by the Central and Southern Florida Flood Control District, later known as the South Florida Water Management District, to be used for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan; and

**WHEREAS**, Eruditional, LLC has requested the release of the east 130 foot wide canal reservation in Tract 8 of Section 17, Township 52 South and Range 40 East, with total area of 0.985 acres; and

**WHEREAS**, no canal is proposed within the subject property and the future NW 97 Avenue Canal will be located on the east side of the east section line of Section 17, Township 52 South and Range 40 East; and

**WHEREAS**, in consideration of this and on behalf of Miami-Dade County, the Department of Regulatory and Economic Resources has determined that the requested canal reservation for release is no longer needed by the County for water management and flood protection in connection with the Miami-Dade County Water Control Master Plan,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board authorizes the Mayor or the Mayor's designee to allow the release of the unneeded canal reservation from Miami-Dade County in Section 17, Township 52 South and Range 40 East as indicated in the Mayor's memorandum, a copy of which is attached hereto and incorporated herein by reference; authorizes the Mayor to execute the disclaimer for release of the rights of reservation from Miami-Dade County in substantially the form attached hereto and made a part hereof; and pursuant to Resolution No. R-974-09, (a) directs the Mayor or the Mayor's designee to record such instrument in the Public Records of Miami-Dade County, Florida and to provide a recorded copy of the instrument to the Clerk of the Board within 30 days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Abbie Schwarderer-Raurell

W.C. 897

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

THE EAST 130 FEET OF TRACT 8 OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" OF SECTION 17, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 21 dated August 6, 1959 recorded in Official Records Book 1587 at Page 274 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands; and

WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 21 dated August 6, 1959, recorded in Official Records Book 1587 at Page 274 of the Public Records of Miami-Dade County, Florida.

This instrument was prepared by:  
Carlos A. Calvache of Miami-Dade County  
Department of Regulatory and Economic Resources  
701 N.W. 1<sup>st</sup> Court, 6<sup>th</sup> Floor  
Miami, Florida 33136

W.C. 897

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA  
BY ITS MAYOR

HARVEY RUVIN  
CLERK OF SAID BOARD

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Carlos A. Gimenez, Mayor

Print: \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

NOTARY PUBLIC:

Sign \_\_\_\_\_

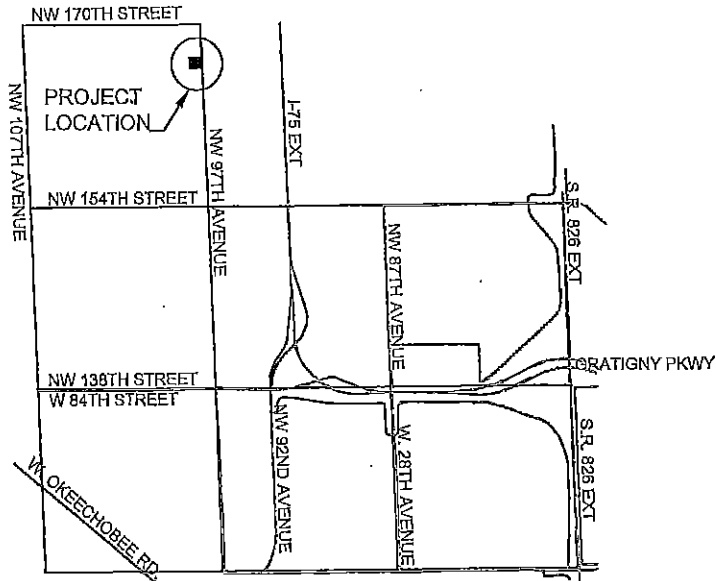
Print \_\_\_\_\_  
STATE OF FLORIDA at large  
(Seal)

My commission expires: \_\_\_\_\_

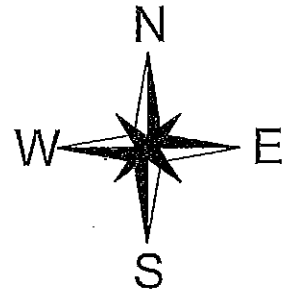
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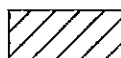
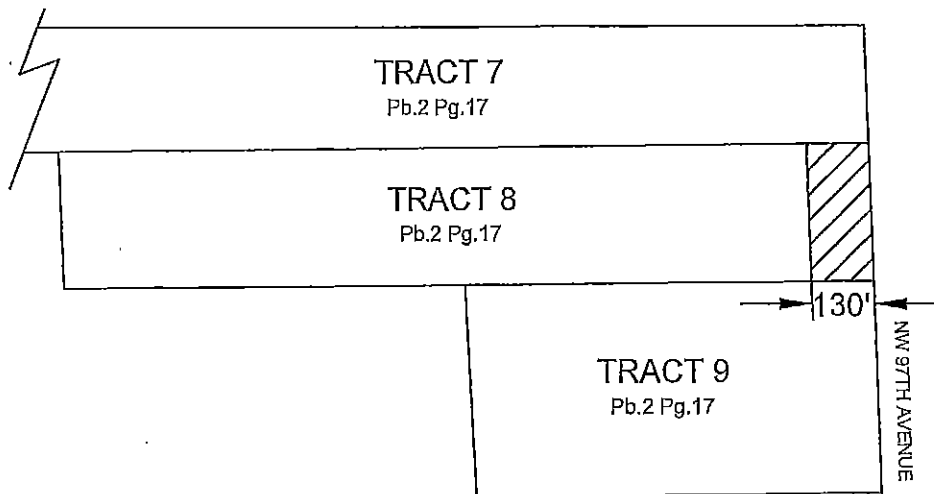
W.C. 897



WC. 897  
SEC. 17  
TWP. 52  
RGE. 40



LOCATION MAP



CANAL RESERVATION TO BE DISCLAIMED

(NOT TO SCALE)